

DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION
SPECIAL EDUCATION PROGRAMS AND SERVICES

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These rules take effect immediately upon filing with the Secretary of State.

(By authority conferred on the state board of education by sections 1701 and 1703 of 1976 PA 451, MCL 380.1701 and 380.1703)

R 340.1746, R 340.1756, R 340.1757, R 340.1781, R 340.1782, R 340.1783a, R 340.1786, R 340.1787, R 340.1788, R 340.1799, R 340.1799a, and R 340.1831 of the Michigan Administrative Code are amended; and R 340.1799g is added to the Code as follows:

PART 3.
ADMINISTRATION OF PROGRAMS AND SERVICES

R 340.1746 Homebound and hospitalized services.

Rule 46. The following homebound and hospitalized services are required:

(a) Homebound services shall be initiated within 15 school days after verification, by a licensed physician, of a medical impairment which requires the eligible special education student to be confined to the home. Such verification shall indicate the anticipated duration of the required confinement.

(b) Hospital service shall be provided for eligible special education students who cannot attend school because of hospitalization for a physical or medical impairment. These services shall be initiated when determined medically feasible.

(c) A special education teacher employed for homebound or hospital services, or for a combination of these services, shall be assigned not more than 12 students at any 1 time.

(d) Students receiving homebound or hospital services shall receive a minimum of 2 nonconsecutive hours of instruction per week. Related services personnel may supplement, but not substitute for, the teacher's instruction.

(e) The district in which the hospital is located shall make homebound and hospital services available to eligible students. If the student is hospitalized outside of the district of residence, the district of residence is responsible for delivering services or for contracting with the operating district and making payment for the services.

(f) Homebound and hospitalized services shall not be substituted for special education programs. Instead, the service provider shall endeavor, to the extent appropriate, to present curricular experiences which are being provided in the program where the student is currently enrolled.

R 340.1756 Programs for students with severe language impairment.

Rule 56. (1) A public agency may establish programs for students with severe language impairment. Specific requirements for these programs are as follows:

(a) A program for students with severe language impairment conducted by a teacher of programs for students with speech and language impairment shall serve only young children with disabilities or developmental delay or elementary students with severe language impairment.

(b) The program shall have not more than 10 students or young children with speech and language impairment in the classroom at any 1 time, and the teacher shall have responsibility for the educational programming for not more than 15 different children.

April 5, 2005

R 340.1757 Students placed in juvenile detention facilities; other educational services.

Rule 57. All of the following provisions are specific requirements for educational services conducted for students placed in juvenile detention facilities:

(a) Programs shall be initiated within 5 calendar days after admission. If a student placed in a juvenile detention facility is suspected of having a disability, then the procedure outlined in part 2 of these rules shall be immediately followed.

(b) Notification of educational placement shall be sent to the superintendent of the district of residence within 5 school days after the date of entry of a student into the educational program in a juvenile detention facility.

(c) Subject to applicable federal privacy protections, education reports for each student educated in a juvenile detention facility shall be sent by certified mail to the superintendent of the district of residence within 5 school days from the date of release from the facility.

(d) Special education reimbursed personnel may provide educational services for students who do not have disabilities and who are placed in the facility, if the programs comply with both of the following provisions:

(i) They are under the supervision of a teacher approved in the area of emotional impairment.

(ii) They have not more than 10 students in a class at any 1 time.

PART 5.

QUALIFICATIONS OF TEACHERS AND OTHER PERSONNEL

R 340.1781 Teachers of students with disabilities; endorsement requirements.

Rule 81. (1) A teacher seeking an endorsement or full approval by the state board of education or its designee shall meet all of the following requirements, in conjunction with those of R 340.1782, R 340.1786 to R 340.1788, R 340.1790, R 340.1795 to R 340.1797, and R 340.1799 to R 340.1799c, before being employed by an intermediate school district, local school district, public school academy, or other agency operating special education programs and services:

(a) The requisite knowledge, understanding, skills, and dispositions for effective-practice related to all of the following:

(i) Utilizing research-based models, theories, and philosophies for teaching students with an array of disabilities within different placements.

(ii) Assessing students with disabilities for identification and teaching.

(iii) Implementing accommodations and modifications for classroom, district, and statewide assessments.

(iv) Using assistive technology devices to increase, maintain, or improve the capabilities of students with impairments.

(v) Communicating, consulting, and collaborating with parents/guardians, paraprofessionals, general educators, administrators, and human services personnel.

(vi) Developing, implementing, and evaluating individualized education programs.

(vii) Planning, organizing, scheduling, and conducting individualized education program team meetings, including parental and student participation.

(viii) Preparing students with disabilities for transitions consisting of preschool to elementary through post-secondary environments and employment.

(ix) Maintaining, releasing, and transferring student records according to district, state, and federal rules and policies.

(x) Articulating the historical and legal bases regarding special education, such as the concept of free appropriate public education, general least restrictive environment requirements, and family education and privacy rights.

(b) Understanding issues of race, class, culture, religion, gender, orientation, and language related to subdivision (a) of this subrule.

R 340.1782 Endorsed teachers of students with disabilities; additional requirements.

Rule 82. An endorsed teacher of students with disabilities, in addition to meeting the specific requirements in R 340.1786 to R 340.1788, R 340.1795 to R 340.1797, and R 340.1799 to R 340.1799c, shall comply with all of the following requirements:

- (a) Possess a valid Michigan teacher's certificate.
- (b) Possess a baccalaureate degree with a major in a specific special education area or have earned credit in course work equivalent to that required for a major.
- (c) Possess an endorsement in special education that is valid in grades kindergarten through 12. Elementary or secondary endorsements in special education, earned after September 1, 1990, shall be valid in grades kindergarten through 12.
- (d) Have completed not less than 8 weeks of directed student teaching in the specific area of impairment. Not less than a 180-hour practicum in the specific area of impairment is required for each additional endorsement.
- (e) Be recommended for a certificate or endorsement, or both, in a specific special education area by an institution of higher education or the department signifying verification of completion of a teacher education program for the specific special education area, as approved by the state board of education.
- (f) On the effective date of these rules, persons approved as special education teachers under this rule, teacher consultants under R 340.1790, and teachers of preprimary-aged students under R 340.1795 shall maintain and continue to have their full approval status.

R 340.1783a Early childhood special education teacher; full-year permit.

Rule 83a. (1) The department may issue a permit when a properly certificated teacher, under R 340.1795, is unavailable for a regular teaching assignment for children with disabilities or developmental delay, as defined in R 340.1711.

(2) An application for a permit shall contain evidence that the candidate has a baccalaureate degree or higher, including 15 semester or equivalent hours of appropriate professional education credit.

(3) The permit is effective through June 30 of the school year for which the permit is issued and may not be renewed for the same individual.

R 340.1786 Teachers of students with cognitive impairment; special requirements.

Rule 86. (1) The teacher education program for teachers of students with cognitive impairment shall include a minimum of 30 semester or equivalent hours pursuant to R 340.1781, R 340.1782, and all of the following:

(a) The identification, classification, legislation and policies, historical perspectives, and levels of support for students with cognitive impairment.

(b) The nature and character of cognitive impairment and its unique impact on the following areas of human development:

- (i) Social.
- (ii) Emotional.
- (iii) Language/communication.
- (iv) Physical.
- (v) Motor.
- (vi) Sensory.
- (vii) Learning, behavior, and health related problems.

(c) The promotion of individualized participation in age appropriate environments within the school and community.

(d) Assessing, teaching, and modifying instruction and curricula for students with cognitive impairment related to all of the following:

- (i) Using research-based strategies and techniques for developing language and communication abilities and skills of students with cognitive impairment to promote the development of language, reading, writing, spelling, calculating, and thinking.

(ii) Selecting, adapting, and developing specialized or general education curricula, assessments, accommodations, and instructional materials for students with cognitive impairment that is aligned with the general curriculum.

(iii) Planning and implementing instruction in settings across domains, including community, personal/social, sexuality, career/employment, and leisure/recreation.

(iv) Assessing, implementing, and supporting all levels of assistive technology for individual students.

(v) Developing and maintaining collaborative relationships and partnerships with parents/families, educators, administrators, consultants, and community service providers.

(vi) Developing individualized goals for students with cognitive impairment related to social relationships, cultural competence, self-determination, and transitions to postsecondary training, career/employment, and community integration.

(e) Issues related to cognitive impairment theory, research, and policy, including definition and identification; legislation and regulations; prereferral, referral and placement; instruction and assessment of educational progress for students with cognitive impairment; and, collaboration with general education teachers, families, and allied service providers.

(2) The 30 semester or equivalent hours shall be distributed to prioritize preparation, including pre-student teaching practice, in assessing, teaching, and modifying instruction for students with cognitive impairment.

R 340.1787 Teachers of students with emotional impairment; special requirements.

Rule 87. (1) The teacher education program for teachers of students with emotional impairment shall include 30 semester or equivalent hours pursuant to R 340.1781, R 340.1782, and all of the following:

(a) The identification, etiology, diagnosis, characteristics, classifications of emotional impairment, including psychiatric terminology and research-based models.

(b) The impact of various factors upon the lives and behavior of students with emotional impairment and their families, such as the legal system, socioeconomic factors, abuse and dependency, and mental health disorders.

(c) Assessing, teaching, and modifying instruction and curricula for students with emotional impairment related to all of the following:

(i) Developing, implementing, and evaluating individualized behavior management strategies and plans.

(ii) Adapting, accommodating, and modifying the general education curricula, pedagogy, and learning environments for students with emotional impairment.

(iii) Integrating academic instruction and curriculum with affective educational strategies for students with emotional impairment.

(iv) Collaborating with parents and service providers in educational, public, and private agencies to support students with emotional impairment.

(v) Assessing students with emotional impairment related to collecting indirect and direct data on academic, social, and emotional functioning of students in order to develop reports and design, manage, and monitor interventions.

(d) Research and understand policy issues regarding emotional impairment and behavioral disorders that impact identification, service delivery, outcomes, placement, academic, affective, and behavioral interventions.

(2) The 30 semester or equivalent hours shall be distributed to prioritize preparation, including pre-student teaching field experiences in assessing, teaching, and modifying instruction related to subdivisions (a) to (d) of this subrule for students with emotional impairment.

R 340.1788 Teachers of students with learning disabilities; special requirements.

Rule 88. (1) The teacher education program for teachers of students with learning disabilities shall include a minimum of 30 semester or equivalent hours pursuant to R 340.1781, R 340.1782, and all of the following:

(a) The identification of learning disabilities including diagnostic principles and practices; the etiology and characteristics of learning disabilities; sociocultural, linguistic, and environmental factors influencing identification; and the relationship between learning disabilities and other commonly associated conditions.

(b) The common manifestations of learning disabilities across the age span, including challenges in meeting developmental milestones in the preschool years, problems with academic performance in literacy, math, and content areas across the K-12 spectrum, issues of strategic performance and self-determination in older students, and the interplay between cognition and psychosocial functioning.

(c) Assessing, teaching, and modifying instruction and curricula for students with learning disabilities across the K-12 continuum related to all of the following:

(i) Administering and adapting formal and informal assessment methods for the purposes of instructional planning, and communicating assessment results to students, their families, and other professionals.

(ii) Developing and implementing instructional and curricular goals; monitoring and reporting the progress related to the unique needs of students with learning disabilities, including career/transition programs and access to adult role models, and use of assistive technology.

(iii) Fostering competency in the areas of reading (word recognition and comprehension), writing (text composition and revision, grammar, spelling, and legibility), mathematical reasoning and calculation, listening, and speaking.

(iv) Fostering study skills and test-taking skills, self-management, problem solving, reasoning, coping skills, and self-determination.

(v) Adapting and modifying general education curricula, pedagogical approaches, and learning environments for students with learning disabilities.

(vi) Managing and monitoring the social, emotional, and behavioral needs of students with learning disabilities in a variety of group settings.

(d) Issues related to learning disabilities theory, research, and policy, including definition and identification; legislation and regulations; pre-referral, referral and placement; instruction and assessment of educational progress for students with learning disabilities; and, collaboration with general education teachers, families, and allied service providers.

(2) The 30 semester or equivalent hours shall be distributed to prioritize preparation, including pre-student teaching field experiences in assessing, teaching, and modifying instruction related to subdivisions (a) to (d) of this subrule for students with learning disabilities.

R 340.1799 Teachers of students with autism spectrum disorder; special requirements.

Rule 99. The teacher education program for teachers of students with autism spectrum disorder shall include a minimum of 30 semester or equivalent hours pursuant to R 340.1781, R 340.1782, and all of the following:

(a) The identification, diagnosis criteria and classification, etiology, diagnosis, range, and characteristics of autism spectrum disorder, for example, learning characteristics, sensory integration patterns, and medications commonly used with autism spectrum disorders including effects.

(b) The role of language and communication including traits, characteristics, and interventions related to autism spectrum disorder, for example, pragmatic functions of communications and language such as the relationships of communication, language, behavior, and social skills; expressive and receptive language development and patterns; effects of medication on language; developing communication systems such as alternative and augmentative communication systems and assistive technology across environments.

(c) Using behavioral supports and intervention: behavior as communication; sensory needs and impact on behavior: team-based behavior assessments, intervention, and evaluation; designing environments for preventing sensory overload; and, developmentally appropriate behavior such as coping and self-regulating behavior.

(d) Assessing, teaching, and modifying instruction and curricula for students with autism spectrum disorder related to all of the following:

- (i) Aligning and adapting the student's program with the general education curriculum.
- (ii) Using a range of curriculum guides to assist with identifying functional goals.
- (iii) Employing current assessment instruments and approaches, intervention methodologies, strategies, and techniques that are appropriate for students with autism spectrum disorder, and consistently linking assessment outcomes to curriculum planning.
- (iv) Understanding and using various data keeping systems to record progress and evaluate intervention.

(e) Collaborating with parents and service providers, including paraprofessionals, in educational, public, and private agencies to support students with autism spectrum disorder; and, the impact of the legal system, socioeconomic factors, mental health disorders, resources for independent living, recreation, and vocational education on the lives and behavior of students with autism spectrum disorder and their families.

(f) Issues related to autism spectrum disorder theory, research, and policy, including definition and identification; legislation and regulations; prereferral, referral and placement; instruction and assessment of educational progress for students with autism spectrum disorder, and collaboration with general education teachers, families, and allied service providers.

(2) The 30 semester or equivalent hours shall be distributed to prioritize preparation, including pre-student teaching practice, in assessing, teaching, and modifying instruction for students with autism spectrum disorder.

R 340.1799a Teachers of students with physical impairment and students with other health impairment; special requirements.

Rule 99a. (1) The teacher education program for teachers of students with physical impairment and students with other health impairment shall include a minimum of 30 semester or equivalent hours pursuant to R 340.1781, R 340.1782 and all of the following:

(a) The identification, etiology, diagnosis, and classification of physical, neurological, and other health impairment.

(b) Understanding of human anatomy and physiology; medical terminologies; the types and transmission of infectious and communicable diseases; physical effects of medications; the nature of medical interventions and treatment of physical and other health impairment.

(c) The impact upon student learning and development (behavioral, cognitive, social, and emotional development) of physical, neurological, and other health impairment, including the impact of chronic and terminal illness and emergency/life threatening situations.

(d) Assessing, teaching and modifying instruction and curricula for students with physical, neurological, and other health impairment related to all of the following:

- (i) Administering, adapting, and modifying formal and informal assessments of learning for students with physical, neurological, and other health impairments.
- (ii) Adapting and modifying the teaching and learning environment to accommodate the diverse needs of students with physical, neurological, and other health impairment.
- (iii) Developing learning and instructional plans, designing learning sequences and opportunities in differing educational settings and placements.

(iv) Monitoring student progress and making appropriate modifications to instructional and educational methods as needed by students with physical, neurological, and other health impairment, including selecting, adapting, and using specialized materials and instructional strategies to maximize learning.

(v) Selecting, adapting, implementing and designing classroom settings and physical arrangements to facilitate and enhance opportunities for students to participate, interact, and learn with all students and adults in both special and general educational settings including individual, group, and shared projects, in and after school such as recreational activities; organizing and managing different needs and support services for individual and groups of students with different physical; neurological and other health impairment in all educational

settings considering safety, as well as maximizing and fostering interactive inclusive opportunities for students.

(vi) Developing curricular and instructional plans and activities related to all of the following:

(A) Daily living, self management of personal and health care needs, sexuality, independent living, vocational/career transition, recreation/leisure, and mobility/transportation.

(B) Advocacy/legal issues.

(vii) Communicating student progress, performance, health issues and other school-related information to students, families, and other educational and medical professionals.

(e) Managing, monitoring, and assisting consistent with school policy and law in health care procedures; the use of orthotic, augmentative, and other supportive equipment; specialized technology and software; adapted switches/other access devices and environmental controls; and, student and teacher safety in transferring, lifting, and seating which enhances the student's and teacher's safety, comfort, and function.

(f) Issues related to physical, neurological, and other health impairments in research; their impact on learning and development; characteristics, definitions, determination, and identification; pre-referral, referral, and placement; laws and policies related to specialized health care in educational settings; teaching and assessing the educational progress of students who have physical, neurological, and other health impairment.

(2) The 30 semester or equivalent hours shall be distributed to prioritize preparation and including pre-student teaching field experiences in assessing, teaching and modifying instruction related to students with physical, neurological, and other health impairment.

R 340.1799g Transition coordinator; requirements.

Rule 99g. (1) Full approval as a transition coordinator shall be granted by the department to a person who meets all of the following requirements:

(a) A bachelor's or graduate degree in special education or a field related to transition of youth with disabilities into adult life roles. Related fields include, but are not limited to, general and vocational education, vocational rehabilitation, and counseling.

(b) A minimum of 3 years of satisfactory teaching experience in special or vocational education at the secondary level; or a minimum of 3 years of satisfactory employment providing transition-related service to individuals with disabilities between the ages of 13 to 26 years.

Transition-related services include, but are not limited to, vocational rehabilitation, employment, counseling, independent living, and mental health. A person with a master's degree in special education or field related to transition of youth with disabilities into adult life roles shall be credited with 1 year of employment.

(c) Approval under competencies and procedures established by the state board of education.

(2) Within 2 years of the effective date of this rule, a person with documented successful experience in providing transition coordination services under the transition services grant for transition shall be approved as a transition coordinator.

PART 7.

DEVELOPMENT AND SUBMISSION OF INTERMEDIATE SCHOOL DISTRICTS' PLANS AND MONITORING

R 340.1831 Plan and modification submission.

Rule 131. (1) Each intermediate school district board shall submit an intermediate school district plan for special education to the superintendent of public instruction to become effective when approved by the superintendent of public instruction.

(2) Any intermediate school district plan or subsequent modification approved by the superintendent of public instruction shall be distributed by the intermediate school district to

each constituent local school district superintendent, each chief executive officer of a public school academy, and the chairperson of the parent advisory committee within 7 calendar days of the intermediate school district's receipt of approval by the superintendent of public instruction.

(3) Except as provided in subrule (4) of this rule, a plan submitted by an intermediate school district and approved by the superintendent of public instruction shall remain in effect until the intermediate school district submits modifications that the intermediate school district deems necessary to the department and the modifications are approved by the superintendent of public instruction.

(4) The department may require an intermediate school district to modify its plan if, after the effective date of the individuals with disabilities education act amendments of 1997, 20 U.S.C. §1400 et seq., the provisions of that act, its regulations, 34 C.F.R. 300.1, et seq., 1976 PA 451, MCL 380.1 et seq., or these rules are amended, there is a new interpretation of any of these laws or regulations by the United States Department of Education, the department, or court, or the department finds noncompliance.

(5) If the department requires a modification to the intermediate school district plan under subrule (4) of this rule and an intermediate school district's process as set forth in this part does not result in agreement among the intermediate school district, its constituent local school districts, public school academies, and the parent advisory committee regarding the required modification, then the intermediate school district shall submit the required modification. A constituent local school district, public school academy, or the parent advisory committee may file an objection under R 340.1836.